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Attorneys for Plaintiff Vial and proposed Class Members

### UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

JAIME VIAL, as representative of the heirs of Rene Correa Borquez and on behalf of other persons similarly situated,

Plaintiff,

v.

ELIZABETH MAHER MUOIO, in her official capacity as TREASURER OF THE STATE OF NEW JERSEY; STEVEN HARRIS, in his official capacity as ADMINISTRATOR OF THE STATE OF NEW JERSEY UNCLAIMED PROPERTY ADMINISTRATION; and KELMAR ASSOCIATES, LLC,

Defendants.

Case No.: 3:24-cv-11301-RK-JBD

DECLARATION OF CHERESE BAYANI IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

## DECLARATION OF CHERESE BAYANI IN SUPPORT OF PLAINTIFF'S <u>MOTION FOR PRELIMINARY INJUNCTION</u>

I, Cherese Bayani, declare as follows:

- 1. I am a paralegal employed at the Palmer Law Group, a PLC, in its Los Angeles Office. I have personal knowledge of the facts set forth in this declaration and can testify competently if sworn as a witness. I was asked to locate newspaper notices published by the State of New Jersey (Unclaimed Property Division) to owners of unclaimed property in New Jersey.
- 2. On January 14, 2025, I spent approximately five (5) hours researching the different newspaper companies in the State of New Jersey. After going through an automated system and a series of transfers, I was given a number to a woman named "Jeanette," who did not wish to disclose her last name, in the advertising department of nj.com, the main provider of local news in New Jersey, nj.com works in affiliation with the papers, *Star Ledger*, *Times of Trenton*, *Jersey Journal*, *South Jersey Times* and *Hunterdon County Democrat*. Jeanette shared that Unclaimed Property advertisements are run in the paper once a year in August. The advertisements placed in the various newspapers are shared online, at nj.com, for 30 (thirty) days. After requesting copies of advertisements published in the past, Jeanette explained that copies of published newspapers/advertisements are not maintained due to lack of physical and computer storage. She directed me to check with local New Jersey libraries for copies.
- 3. Continuing my search on Unclaimed Property publication notices directed at New Jersey citizens and others, I spoke with Sherry of the Legal Advertising section of the *Jersey Journal*. She shared that the Unclaimed Property advertisements are run on two consecutive Fridays in August in which individuals' names are listed throughout several pages. Sherry was unable to share any copies of advertisements or assist in locating them as the *Jersey Journal* will be shutdown effective immediately on January 31, 2025. She directed me to check with a library to acquire any information or to search online.
- 4. After long hold times and numerous phone calls attempting to reach representatives through various automated systems with different publishers, such as the *Trentonian* and *South Jersey*

Times, I contacted *The Observer*. A woman answered and, while speaking to a colleague, questioned why their company would be receiving a call from California. After I explained what I was looking for, she declined to share information on Unclaimed Property Advertisement or the lack thereof. She mentioned that she had been with *The Observer* for some time and suggested using a search bar for my questions. If that wasn't sufficient, she recommended going to a library.

- 5. After a call to *The Observer*, I researched articles published on Unclaimed Property in New Jersey. I came across an article by Mike Deak of *My Central Jersey* in 2014. In his article, "There May Be Money for You in Friday's Paper", in which he states, "I didn't know I was the recipient of potentially good fortune until early last Friday morning, when my mom called to say my name was on the list published in the *Courier News*." At the end of the article, he left a telephone number and email address. Knowing this article was published just over a decade ago, I decided to call the phone number left by Mr. Deak and he was very helpful. He understood my difficulties in obtaining information and copies of previous newspapers or advertisements. He directed me to newspapers.com to possibly obtain the information I was looking for. Attached as Exhibit A is the article written by Mike Deak on August 28, 2014.
- 6. It was only after signing up for a free trial, rather than spending \$74.00 for a subscription, that I could look at previously published newspapers. I ran several searches on *newspapers.com* using the keywords "unclaimed property" and various date ranges over the past decade. Attached as Exhibit B is a screenshot of one of my searches on the website.
- 7. From my research, I found that in the past year that *Press of Atlantic City* published on two consecutive Thursdays in August 2023 and that *The Times* published an article about Unclaimed Property in September 2024. The Unclaimed Property Notices published on August 17, 2023, and August 24, 2023, both consist of twenty (20) page long lists of names in a very small print. The lengthy advertisements are placed in between the media entertainment such as book reviews, film or tv reviews and local sports news and scheduling. Attached as Exhibit C is an excerpt from the *Press of Atlantic City* newspaper advertisements and attached as Exhibit D is the article published by *The Times*.

The advertisements are difficult to read in the small print, and that citizens of New 8. search Jersey are pushed to online. The New Jersey treasury website, unclaimedfunds.nj.gov/app/claim-search, allows individuals to either search for property under their name or request a search under any name after uploading the requested information. For those who may not be technologically proficient, this will pose a problem.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 29<sup>th</sup> day of January 2025, at Los Angeles, California.



## **EXHIBIT A**

### my central jersey

**NEW JERSEY** 

# There may be money for you in Friday's paper

Mike Deak @MikeDeakMyCJ Published 4:00 p.m. ET Aug. 28, 2014

#### **Key Points**

Names of unclaimed property owners listed in Friday's newspaper

Website makes it easy to claim forgotten and abandoned property

State: 'Millions of dollars in personal assets become lost or abandoned every year'

This could be one of last articles I will write.

In a couple of months, I will learn how much unexpected money from the state Department of Treasury's Unclaimed Property Administration I will receive. If it's more than \$300,000, which could see me through early retirement, I'm calling it quits.

But I don't know how much literally found money I will be getting. It could be thousands of dollars from an unknown benefactor, like Pip in "Great Expectations," or it could 49 cents from an uncashed refund check from the Columbia Record Club when I demanded my money back for a defective Journey cassette more than three decades ago.

I didn't know I was the recipient of potentially good fortune until early last Friday morning, when my mom called to say my name was on the list published in the Courier News. The list will be published again in the classified section of Friday's paper. Middlesex County residents will be listed in the Home News Tribune, while Somerset County residents will be listed in the Courier News.

There are thousands of New Jersey residents and businesses who are owed millions of dollars in unclaimed funds, according to the Department of Treasury.

In the most recent fiscal year (July 1, 2013 to June 30, 2014), the Unclaimed Property Administration paid a record \$125.1 million in claims to 70,762 recipients. That works out to

an average of more than \$17,000.

The average is skewed by large claims. One Hudson County family received \$1.3 million from an estate.

Document 21-3

A Passaic County man got \$553,000 from forgotten certificates of deposit.

A Bergen County woman man claimed \$377,000 in health-care policy benefits and from bank accounts.

In all, the state has reunited \$1 billion in abandoned funds with their rightful owners.

"Millions of dollars in personal assets become lost or abandoned every year," state Treasurer Andrew Sidamon-Eristoff said. "The purpose of the Unclaimed Property Administration is to protect the property rights of all New Jersey residents. By securing and safeguarding these funds, we can reunite them with New Jerseyeans so they can reclaim what is rightfully theirs."

According to the Department of Treasury, it's normal that individuals and businesses lose track of either checks that were issued to them or forgotten bank holdings, such as closed accounts that still have funds.

New Jersey's unclaimed property laws define the abandonment periods for different types of property. Once the abandonment period has been reached with no activity, the property is turned over to the state.

If property is not claimed, it remains in the Unclaimed Property Trust Fund in perpetuity until a valid claim is submitted and processed.

The good news is that the funds that can be claimed are not taxable because the recipients already own the property. However, the Unclaimed Property Fund's interest, which is generated from the time the state receives the property to the time its claimed, is taxable. If the amount is greater than \$10, the state will report it to the IRS.

"Gov. Chris Christie has made it a priority to reunite families with money that belongs to them," said Steven Harris, administrator of the Unclaimed Property Administration. "We have accelerated our efforts to advertise and raise awareness with the public about unclaimed property that people may have been unaware of or simply forgot over the years."

The state has several initiatives to let people know about the unclaimed property. In additional to publishing the list in newspapers twice a year, the Unclaimed Property Administration sends mass mailings and visits public events, including fairs.

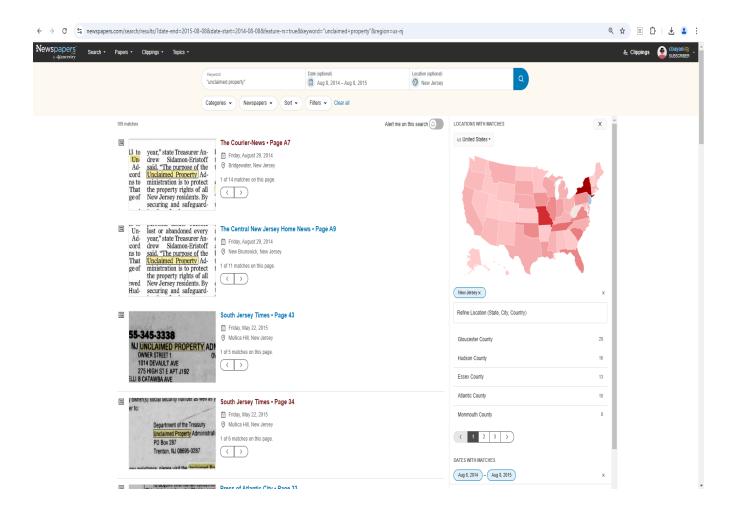
Residents and businesses can discover whether are entitled to unclaimed property by visiting missingmoney.com and following the directions. The site, which is used by 40 states, is easy to use. It took me less than five minutes to make my claim. I quickly received a confirmation, which contained a link where I could check the progress of my claim, which is still being reviewed.

The state says I should allow 12 weeks to find out how much money I will be getting when the state sends a check.

I am hoping it will be a very merry Christmas. But realistically, I will probably only get enough money to buy a sugarplum or a candy cane, if I'm lucky.

Staff Writer Mike Deak: 908-243-6607; mdeak@mycentraljersey.com

# **EXHIBIT B**



# **EXHIBIT C**

	SAN OF THE ABOVE								
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## **EXHIBIT D**

A6 SUNDAY, SEPTEMBER 22, 2024 THE TIMES NJ.COM

YOUR MONEY

#### Unclaimed property hits \$70B. Are you or your family affected?

Do you or your family members have unclaimed property sitting in the hands of the state? excitation of Unclaimed Property Administrators estimating that nearly \$70 billion dollars in unclaimed property is owed to almost 33 million Americans, there may be a chance that you or someone in your family have assets waiting to be claimed. From stock dividends and certificates to life insurance policies and pension benefits, there is no shortage of assets that end up parked with the state each year for safe-keeping.

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the state?
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Counter the legal owner of the property they
are holding, state law requires that they
transfer or escheat these assets to the state
until the owner or an heir can come forward to claim the property. Escheating
is the term for how property is reverted to
the state when no legal heirs or claimants
exist and can occur after one to five years
depending on the state.)
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money becomes the property of the U.S. Treasury. Consider visiting www.irs.gov/ refunds to check on the status of your

SERVICES

While searching, locating, and filing a claim for property might not be too difficult for some, others may want assistance in handling the process.

While there are plenty of companies out there that can help with searching and filinga calaim, they may charge as much as 50 percent of the unclaimed property's value to assist you.

Additionally, there have been scams, so be extra careful and do your homework before enlisting the help of these "heir finder" services.

#### HOW TO AVOID UNCLAIMED PROPERTY

